IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 20731 of 2004

Between:

1 Syed Khaleel Ahmed Quadri, S/o. Syed Mohd. Shameen,
R/o. H.No. 17-1-391/T/102, Saraswathinagar, Saidabad,
Hyderabad.
2 G. Rama Rao, S/o. Narayana Rao,
R/o. H.No. 17-1-391/T/212, Saraswathinagar, Saidabad,
Hyderabad.
3 S. Snehalatha, W/o. Venugopal Reddy,
R/o. H.No. 17-1-391/T/211, Saraswathinagar, Saidabad,
Hyderabad.
4 Ch. Krishna Reddy, S/o. Dubba Reddy,
R/o. H.No. 17-1-391/T/210, Saidabad, Hyderabad.

..... PETITIONERS

AND

1 The Divisional Manager, IBP Corporation Ltd.,
H.No. 9-1-03 & B4, Sarojini Devi Road, Secunderabad.
2 The Andhra Pradesh Pollution Control Board, Rep by its
Member Secretary, Kawadiguda, Hyderabad.
3 The Municipal Corporation of Hyderabad, rep by its
Commissioner, Hyderabad.
4 The Dy. Chief Controller of Explosive, Department of
Explosives, Kendriya Sada, Sultan Bazar, Koti, Hyderabad.
5 Sri C. Anji Reddy, S/o. and age not known,
R/o. H.No. 6-1-132/32, Padmarao Nagar, Secunderabad.
6 G. Suresh, S/o. Late G. Venkata Swamy,
R/o. H.No. 18-2-60/50/A, Ambedkarnagar, Falaknama,
Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 1 to 4 in issuing the licence in favour of the 5th and 6th Respondents for retail petrol pump and erection of the petrol bunk and sanctioning the plan and building permission in the premises of Sy.No.137/1,Saidabad Revenue Village, Saraswathinagar Colony, Saidabad, Hyderabad adjoining and surrounding to the residential houses of the petitioners herein is illegal, arbitrary and void and without jurisdiction.

Counsel for the Petitioners: MR.P.RAGHAVENDRA REDDY

Counsel for the Respondent No.3: MR.RAMA RAO GHANTA

Counsel for the Respondent No.2: Mr. S.V.BHATT

Counsel for the respondent No.1: Mr.DEEPAK BNHATTACHARYA

The Court made the following:

ORDER:

The grievance of the petitioners is against the establishment of a petrol bunk in a residential area.

In view of Mrs.V.N.Reddy Vs. Indo-Burmah Petroleum corporation Limited (W.P.No.10878 of 2000 dated 09-07-2001) where a Division Bench of this Court held that a petrol bunk can be established even in a residential area, if licence for its establishment is issued by the authorities under various enactments, for that purpose, it is clear that petrol bunk can be established even in a residential area, provided licence and no objection certificates are issued by the authorities concerned.

So, if the licencing authority issues licence and if the other authorities have no objection for establishment of a petrol bunk, petitioners cannot object to the

establishment of a petrol bunk in the area where they are living merely on the ground that it is a residential area.

The writ petition is disposed of with a direction to the first respondent not to permit respondents 5 and 6 to run its outlet petrol bunk in a residential area until licence and no objection certificates are issued to them by all the concerned authorities. No costs.

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(C.Y.SOMAYAJULU, J)

Dated April 29, 2005.

YCR

To

1 The Divisional Manager, IBP Corporation Ltd.,
H.No. 9-1-03 & B4, Sarojini Devi Road, Secunderabad.
2 The Member Secretary, Andhra Pradesh Pollution Control Board,
Kawadiguda, Hyderabad.
3 The Commissioner, Municipal Corporation of Hyderabad, Hyderabad.
4 The Deputy Chief Controller of Explosive, Department of
Explosives, Kendriya Sada, Sultan Bazar, Koti, Hyderabad.
5 2 C1111.D. copies.